



## TOWN OF BERWYN HEIGHTS

### Prince George's County, Maryland

Incorporated in 1896 ~ Sixth Oldest Municipality in PG County

### WORKSESSION MINUTES APRIL 15, 2013

The meeting was called to order at 7:00 p.m. Present were Mayor Calvo, Mayor Pro Tem (MPT) Wilkinson, Councilmembers (CM) Almoguera, Dennison and Eddy. Town Administrator (TA) Murphy had an excused absence. Also present were Clerk Harper and Budget Assistant Kyle Snyder.

#### 1. MAYOR

**Agenda:** An executive session was added to discuss the citizen of the year and a personnel matter.

**Announcements:** Sympathies for the victims of the Boston Marathon terrorist attack were expressed. Joey Dennison will celebrate his 31st birthday tomorrow.

**Calendar:** No changes were made.

**Minutes:** On a motion by MPT Wilkinson and second by CM Kulpa-Eddy, the April 1 worksession minutes were approved 5 to 0. On a motion by CM Dennison second by CM Kulpa-Eddy, the April 8 budget worksession minutes were approved 5 to 0.

**Department reports:** Mayor Calvo reported that he and most of the Council attended the dedication of the Nevada Street trail last Saturday. On the same night attended the Berwyn Heights Volunteer Fire Department annual banquet, which marked a changing of the guard. Retiring fire chief Charles Fusco was honored. He was replaced by the current president of the BHVFD board of directors Daniel McCoy. Among the attendees was Greenbelt's Mayor J. Davis and Mayor Pro Tem Joe Calvo who were impressed with the strength of the BHVFD organization. The following Sunday, Mayor Calvo and other Councilmembers attended the 30th anniversary celebration of the Senior's Club. He enjoyed seeing the pictures documenting the history of the club and talking to the members. On the upcoming Friday, he will speak to the 4th graders about participating in the "If I Were Mayor Contest."

CM Kulpa-Eddy said she hoped TA Murphy would have an update on the WSSC project in the 5700 block of Pontiac Street. She heard that the trenches that were not properly repaired. Kyle Snyder said that WSSC only applied a temporary patch and will return to make permanent repairs. MPT Wilkinson said he received a complaint about WSSC contractors starting to jackhammer before 7 a.m., which is prohibited under the Town's noise ordinance. Code Director Solomon was on site monitoring their work.

MPT Wilkinson reported that Public Works painted the curbs on the Indian Creek bridge yellow to indicate the 'no parking' area. Public Works has received, but not installed, the mesh to protect the grass on the planned parking area next to the Indian Creek T-ball field. The construction of stairs to the backstop were halted by Park & Planning because they would not be ADA compliant. Public Works received the combined trash/recycling containers and will install them at Town parks near future.

CM Almoguera announced that Playgroup is meeting at Indian Creek Playground on the 1st, 3rd and 5th Thursday of the month, and at Pop's Park on the 2nd and 4th Thursday until it will be dismantled. The infants playgroup meets on Sunday's at 3 p.m. at varying locations. Interested parents should contact her for information. CM Dennison announced upcoming events, and noted that Berwyn Heights Elementary School (BHES) celebrated its 10th anniversary of the reopening. She congratulated the newly-formed U-18 Boys & Girls Club soccer team for winning their first match.

**Citizen comments:** CM Dennison received a comment from a resident regarding the cost of sidewalks.

**Ordinance No. 118, Roads & Rights-of-Way revisions:** Mayor Calvo noted that Code Director Solomon is setting up a meeting with representatives from Pepco and the Department of Natural Resources (DNR) to talk about the Edmonston Road landscape buffer. Removal of remaining tree limbs and brush as well as replanting of the area will be the main topics of discussion.

Mayor Calvo said that TA Murphy provided a second redraft of Ordinance No. 118 following the Council's review of the first draft. The Ordinance revision was triggered by Pepco's overzealous tree trimming on Edmonston Road, and the Council's desire for better control over utility and contractor activity in Town streets and right of way. TA Murphy's accompanying memorandum explains that the 2nd draft is a complete rewrite based on the Bowie ordinance on the same subject. It adds design and construction standards for work done in the right-of-way, and applies Prince George's County Department of Public Works and Transportation (CPW&T) standards for patching roads. Further, there are new provisions regarding permit requirements, construction plans, and maintenance and labor security bonds for work done on Town streets and in the public right of way.

Mayor Calvo said he does not want to go into the fine print of this draft, as TA Murphy is absent, but asked if Councilmembers had any general comments. MPT Wilkinson questioned the permit fee structure proposed in Section 7 of the Ordinance. It provides for a permit fee of 7.5% of the total project cost and base duration of the permit on the cost. He thought that this may get very expensive and asked if this was discussed at the previous worksession. Mayor Calvo commented that this draft does not build on the previous discussion, but substitutes a different and more detailed regulatory framework based on the Bowie model. However, he thinks applying the Bowie model is problematic because Berwyn Heights does not have the staff and the resources to administer an ordinance as complex as Bowie's. While he likes some of the ideas, such as the bonding provisions and possibly a flat permit fee, a simpler ordinance may better serve the Town. The discussion was postponed until TA Murphy's return.

**Four Cities agenda items (added item):** The following agenda items were proposed for the next Four Cities meeting: 1) Greenbelt Station development update including FBI headquarters and Greenbelt Station school boundaries; 2) impact of volunteer fire stations staffing cuts; and 3) update on ambulance fee restructuring.

Nothing was discussed under **2. Public Safety** and **3. Public Works**.

#### 4. ADMINISTRATION

**John Deere tractor authorization to donate:** Mayor Calvo said that the Public Works Department no longer needs this tractor and wants to dispose of it. The Berwyn Heights Volunteer Fire Department expressed interest in obtaining it. CM Almoguera moved and MPT Wilkinson seconded to donate the tractor to the BHVFD. The motion passed 5 to 0.

#### 5. Parks and Recreation

**Volunteer appreciation dinner:** The date for the volunteer appreciation dinner was set for June 19, 6:30 p.m. Three Brothers was selected as the caterer.

#### 7. BUDGET

The Council reviewed the FY 2014 introduced budget summary. CM Kulpa-Eddy noted two changes in the Code Compliance Department budget, which the Council did not approve. The gas & oil appropriation dropped from \$1,700 in the previous version of the budget summary to \$300 in this version, and capital outlay > \$500 increased from \$0.00 to \$300. The Council concluded that this is an unintended error since the Code Compliance budget total remained unchanged. CM Almoguera asked to be sent an electronic copy of the document so she can check what may have gone wrong. Budget Assistant Snyder was asked to review the budget summary to check for other potential errors before the document is distributed.

**Police fines:** The Council reviewed a spreadsheet of police fines and forfeitures the Town is authorized to set. It shows current fees and fines for police service parking violations, as well as monthly totals for 2009 - 2012. Mayor Calvo said the spreadsheet should not show the category non-resident fines because they are the same as fines for residents. On the other hand, a column for the total number of citations issued per year for each type of violation would be useful.

CM Almoguera suggested raising all fees and fines together rather than individually since they have not been raised for many years. Mayor Calvo replied that he would like to evaluate what fine is appropriate for a particular violation. MPT Wilkinson proposed to establish low, medium and high tiers of fines that correspond to the severity of the violation to simplify the process. The Council agreed to establish the following general tiers:

- \$40.00 lowest tier; raising all fines currently set at \$25 and \$35;
- \$60.00 medium tier: raising all fines currently set at \$50;
- \$100.00 and above.

At 8:15 p.m., the Council took a 10 minutes break.

The Council discussed fees and fines in more detail and set some fines individually. The Council voted 5 to 0 to raise the fine for abandoned vehicles from \$50 to \$75 as processing an abandoned vehicle is very time-consuming. The Council voted 5 to 0 to raise the fine for parking in front of a fire hydrant from \$75 to \$100. On a motion by MPT Wilkinson and second by CM Almoguera, the Council voted 3 to 2 to drop the fine for unattended vehicle with motor running from \$50 to \$40, with CM Dennison and Kulpa-Eddy opposed. On a motion by MPT Wilkinson and second by CM Almoguera, the Council voted 4 to 1 to raise all \$50 fines to \$60, with CM Kulpa-Eddy opposed, who noted that there were very few incidents of this violation. On a motion by CM Almoguera and second by MPT Wilkinson, the Council voted 4 to 1 to raise fines for blocking a crosswalk and blocking a sidewalk from \$40 to \$60 with CM Kulpa-Eddy opposed, as very few citations had been issued for this violation. On a motion by MPT Wilkinson and second by CM Almoguera, the Council voted 5 to 0 to raise the returned check fee from \$35 to \$50.

TA Murphy will be asked to prepare a resolution that implements the approved changes. Budget Assistant Snyder was asked to begin to work on a Code Department fees and fines document the Council can review at the next worksession.

#### 8. EXECUTIVE SESSION (8:54 P.M. - 9:35 P.M.)

MPT Wilkinson moved and CM Dennison seconded to go into executive session to select the citizen of the year and to discuss a personnel matter. With no discussion, MPT Wilkinson moved, and CM Dennison seconded to end the executive session.

The meeting was adjourned at 9:35 p.m.

Signed: Kerstin Harper, Town Clerk

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